

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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HR US LLC,

Plaintiff,

- against -

MIZCO INTERNATIONAL, INC., et al.,

Defendants.

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ORDER

CV 07-2394 (DGT) (JO)

JAMES ORENSTEIN, Magistrate Judge:

Defendants Mizco International, Inc. and Albert Mizrahi (collectively, "Mizco") seek to preclude plaintiff HR US LLC ("HR") from questioning any expert witness at trial regarding certain patents as a remedy for HR's failure to provide notice earlier of its intention to make such use of the patents in cross-examining Mizco's experts. Mizco has not identified the source of HR's legal obligation to provide such notice. Accordingly, I deny Mizco's application for relief. Further, as no party seeks to re-open discovery, I do not consider doing so as a remedy for the conduct of which Mizco complains. Discovery therefore remains closed. In addition, the parties have submitted a proposed joint pretrial order, which I find substantially complies with the requirements of the Honorable David G. Trager, United States District Judge. Accordingly, the joint pretrial order is accepted for filing and the action is deemed ready for trial without prejudice to any potentially dispositive motion practice. The action will be tried in accordance with the discretion and trial calendar of District Judge David G. Trager.

SO ORDERED.

Dated: Brooklyn, New York
May 12, 2008

/s/ James Orenstein
JAMES ORENSTEIN
U.S. Magistrate Judge